

E-Filed 5/11/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE APPLE & AT&TM ANTITRUST
LITIGATION

NO. C 07-5152 JW (RS)

**ORDER RE: PROTECTIVE
ORDER DISPUTE**

Apple and AT&T Mobility LLC ("defendants") have engaged in meet and confer efforts with plaintiffs to craft a protective order governing the disclosure of confidential material during the course of this antitrust suit. The parties' activities have resulted in agreement on virtually all terms of the protective order. The remaining issue concerns the disclosure of "highly confidential - attorneys' eyes only" material to third-party potential witnesses or deponents. This matter is suitable for disposition without oral argument pursuant to Civil Local Rule 7-1(b).

The Court has reviewed the approaches for governing the disclosure of highly confidential information suggested by the parties in their joint letter brief. In short, defendants seek a procedure for objecting in advance to the use of such material with ultimate resolution, if agreement cannot be reached, by the court. While both sides present reasonable alternatives, defendants' proposal best strikes the appropriate balance between the necessary access to information and the protection of highly confidential material. Accordingly, the parties are instructed to incorporate defendants'

1 proposal and enter into a stipulated protective order within five days of the date of this order. In the
2 event that the procedures adopted for the reasonable use of highly confidential material become too
3 cumbersome, the parties may seek further relief from the Court.

4 IT IS SO ORDERED.

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6 Dated: 5/11/09

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8 RICHARD SEEBORG
9 United States Magistrate Judge
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